

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 05222.00167)

In the Application of:

Lannert, et al.

Serial No.: 09/868,708

Filed: February 8, 1999

For: A System, Method and Article of Manufacture for  
a Goal Based System Utilizing a Time Based Model

Examiner:

Paulette Kidwell

Attn: DO/EO/US

## RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE

BOX PCT

Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

This is in response to the Notification of a Defective Response dated September 18, 2001. In order to complete the filing requirements, Applicants enclose herewith copies of the Oath and Declarations executed in U.S. Patent Application No. 09/219,079, in pursuance with the provisions of MPEP 602.05(a). U.S. Patent Application No. 09/219,079 is the parent application and contains the same inventive entity. Also enclosed is a copy of said Notification of a Defective Response.

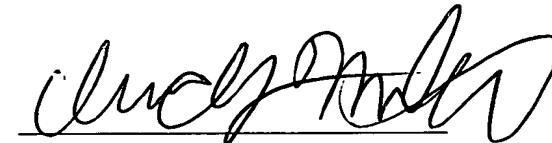
The Commissioner is authorized to charge all fees required to Deposit Account No. 01-0850.

Respectfully submitted,

BANNER &amp; WITCOFF, LTD.

Date: October 22, 2001

By:


Charles L. Miller  
Reg. No. 43,805



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/868708	LANNERT	05222.00167
INTERNATIONAL APPLICATION NO.		

CHARLES L. MILLER  
BANNER & WITCOFF  
TEN S. WACKER DRIVE  
SUITE 3000  
CHICAGO, IL 60606 7407

PCT/US99/02715

I.A. FILING DATE	PRIORITY DATE
08 FEB 99	22 DEC 98

DATE MAILED:

18 SEP 2001

## NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
2. ☐ Applicant's response filed \_\_\_\_\_ was received in the Office after the expiration of the period for response set in the Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).
3. ☒ Applicant's response filed 20 JAN 2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 27 JUL 2001 have not been completed.

- ☐ Translation of the international application into English.  
☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)).
- ☒ Oath or Declaration of inventors(s). *that are listed on the Publication application*  
☒ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ Surcharge (37 CFR 1.492(e)).
- ☐ Sequence Listing.  
☐ not in compliance with 37 CFR 1.821-1.825 for the reasons indicated on the attached PCT/DO/EO/920.
- ☐ Additional claim fees.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements (Form DO/EO/905) may be extended under 37 C.F.R. § 1.136(a).

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

Paulette Kidwell, Paralegal

Telephone: 703-305-3656

FORM PCT/DO/EO/916 (March 2001)

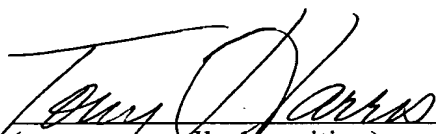
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail No. EL735119265US

Deposited October 22, 2001

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231.

By:

  
(person actually depositing)

Patent Application of: Lannert, et al.

Serial No. 09/868,708

Title: A System, Method and Article of Manufacture for a Goal Based System  
Utilizing a Time Based Model

- ☒ Response to Notification of a Defective Response
- ☒ Copy of Combined Declaration and Power of Attorney filed in  
U.S. Application 09/219,079, signed by the inventors
- ☒ Copy of Notification of a Defective Response dated 9-18-2001
- ☒ Transmittal Form
- ☒ Fee Transmittal (in duplicate)
- ☒ Certificate of Express Mailing
- ☒ Return Postcard

Attorney Docket No. 05222.00167

Please type a plus sign (+) inside this box



PTO/SB/21 (08-00)

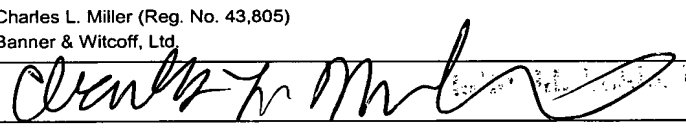
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/868,708	
	<b>Filing Date</b>	08 February 1999	
	<b>First Name of Inventor</b>	Lannert, et al.	
	<b>Group Art Unit</b>		
	<b>Examiner Name</b>		
<b>Total Number of Pages in This Submission</b>	12	<b>Attorney Docket Number</b>	05222.00167

<b>ENCLOSURES (check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <b>Remarks</b>	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Response to Notification of a Defective Response</b> <b>Copy of Combined Declaration and Power of Attorney filed in US Application No. 09/219,079</b> <b>Fee Transmittal</b>

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
<b>Firm or Individual name</b>	Charles L. Miller (Reg. No. 43,805) Banner & Witcoff, Ltd.
<b>Signature</b>	
<b>Date</b>	October 22, 2001

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service, via Express Mail, in an envelope addressed to: - Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:	
<div style="border: 1px solid black; height: 20px; width: 300px;"></div>	

<b>Typed or printed name</b>			
<b>Signature</b>		<b>Date</b>	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

**Complete If Known**

Application Number	09/868,708
Filing Date	8 February 1999
First Named Inventor	Lannert, et al.
Examiner Name	
Group / Art Unit	
Attorney Docket No.	05222.00167

**TOTAL AMOUNT OF PAYMENT (\$)** 110**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 01-0850

Deposit Account Name: BANNER & WITCOFF, LTD.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$)</b> 0

**2. EXTRA CLAIM FEES**

Total Claims		-20**	=	0	X		=	0
Independent Claims		-3**	=	0	X		=	0
Multiple Dependent					X	270	=	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

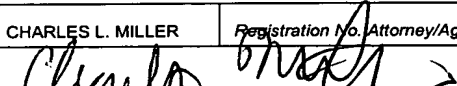
**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110.00
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
<b>*Reduced by Basic Filing Fee Paid</b>					
<b>SUBTOTAL (3)</b>					<b>(\$)</b> 110

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	CHARLES L. MILLER	Registration No. Attorney/Agent)	43,805	Telephone	312-715-1000
Signature				Date	October 22, 2001

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